

City Council Introduction: **Monday**, January 5, 2004
Public Hearing: **Monday**, January 12, 2004, at **1:30 p.m.**

Bill No. 04R-5

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1826A, an amendment to Haven Manor, a domiciliary care facility, requested by Robert A. Schoenleber, on behalf of Larry and Blanche Schwarck, to increase the number of residents from 37 to 46, on property generally located east of the intersection of S. 56th Street and Linden Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/26/03
Administrative Action: 11/26/03

RECOMMENDATION: Conditional Approval (8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes').

FINDINGS OF FACT:

1. This is an application to increase the number of residents in a domiciliary care facility from 37 to 46, which is in conformance with the density bonus regulations. The building will be slightly larger but within the previously approved envelope.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed use is in conformance with the Comprehensive Plan and the Zoning Ordinance. The domiciliary care should have no negative impact on the adjacent neighborhood due to the increased setbacks and landscaping.
3. On November 26, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On November 26, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated November 10, 2003. The conditions of approval are found on p.4-5.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 29, 2003

REVIEWED BY: _____

DATE: December 29, 2003

REFERENCE NUMBER: FS\CC\2004\SP.1826A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 26, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #1826A

PROPOSAL: A domiciliary care for 46 residents conforming to density bonus regulations.

LOCATION: East of the intersection of S. 56th St. & Linden St.

WAIVER REQUEST: No waivers were requested.

LAND AREA: 1.73 acres

CONCLUSION: The proposed use is in conformance with the comprehensive plan and the zoning ordinance. The domiciliary care has no negative impact on the adjacent neighborhood due to the increase setbacks and landscaping.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 1, Piazza Addition

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Single family dwelling

SURROUNDING LAND USE AND ZONING:

North: R-2, Residential

South: R-2, Residential

East: R-2, Residential

West: R-2, Residential

HISTORY:

October 4, 2000 Special Permit #1826 to allow a domiciliary care for 37 residents was approved by the Lincoln-Lancaster County Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F-18 Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Page F-25 The 2025 Comprehensive Plan shows this area as urban residential.

Page F-66 Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods.

UTILITIES:

Public Utilities are available

TOPOGRAPHY:

The site slopes from northwest to southeast approximately 15 feet.

TRAFFIC ANALYSIS:

S. 56th Street is classified as a minor arterial.

S. 57th St. is classified as a local street.

PUBLIC SERVICE:

The nearest fire station is located at 48th St. & Claire Ave.

ANALYSIS:

1. This is an application to amend Special Permit 1826 to increase the number of residents from 37 to 46.
2. Section 27.63.530 (d) provides:

Depending on the character of the development and impacts on adjacent land uses, the City Council may grant an increase in the number of residents allowed in (d) above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.
3. The special permit is within the R-2 zoning district. The total number of residents allowed in the R-2 zoning district, one person per 2,000 square feet of lot area, without City Council approval of bonus is 37.
4. Although the footprint of the building is larger than previously approved, the building envelope has remained the same. No changes were made to the parking lot layout from the previously approved site plan. (See attached site plan)
5. The applicants letter states that the neighbors have been notified of this request and have not received any negative response.
6. Public Works & Utilities Department does not object to the application.
7. The landscape plan is substantially different then the previously approved landscape plan and does not meet minimum design standards.

8. The site plan identifies 25' side yard setbacks. The required side yard setback is 5'. The increased setback will lessen the impact on the neighbors to the north and south.

CONDITIONS:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Revise Note 13. The parking requirements is based on Section 27.67.040 (d)(13). A total of 16 spaces is required.

1.1.2 Revise the parking stall summary table.

1.1.3 Delete the second sentence in Note 14.

1.2 Revise the landscape plan to meet minimum design standards.

1.2.1 Scotch Pine is not an acceptable species. Substitute with a species acceptable to Lincoln Parks & Recreation Department.

2. This approval permits a domiciliary care for a maximum of 46 residents conforming to 50% density bonus regulations.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised **final** plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka
Planner

DATE: November 10, 2003

APPLICANT: Larry & Blanche Schwarck
2050 Munsey Dr.
Moab, UT 84532
(435) 719-4070

OWNER: same as applicant

CONTACT: Robert A. Schoenleber
Schoenleber, Shriner & Hittle
123 S. 84th St. Suite A
Lincoln, NE 68510

SPECIAL PERMIT NO. 1826A

CONSENT AGENDA **PUBLIC HEARING & ADMINISTRATIVE ACTION** **BEFORE PLANNING COMMISSION:**

November 26, 2003

Members present: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3426, CHANGE OF ZONE NO. 3427, SPECIAL PERMIT NO. 1826A, SPECIAL PERMIT NO. 2026, SPECIAL PERMIT NO. 2042, USE PERMIT NO. 142A AND SPECIAL PERMIT NO. 2040.**

Bills-Strand moved to approve the Consent Agenda, seconded by Larson and carried 8-0: Carlson, Duvall, Krieser, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'.

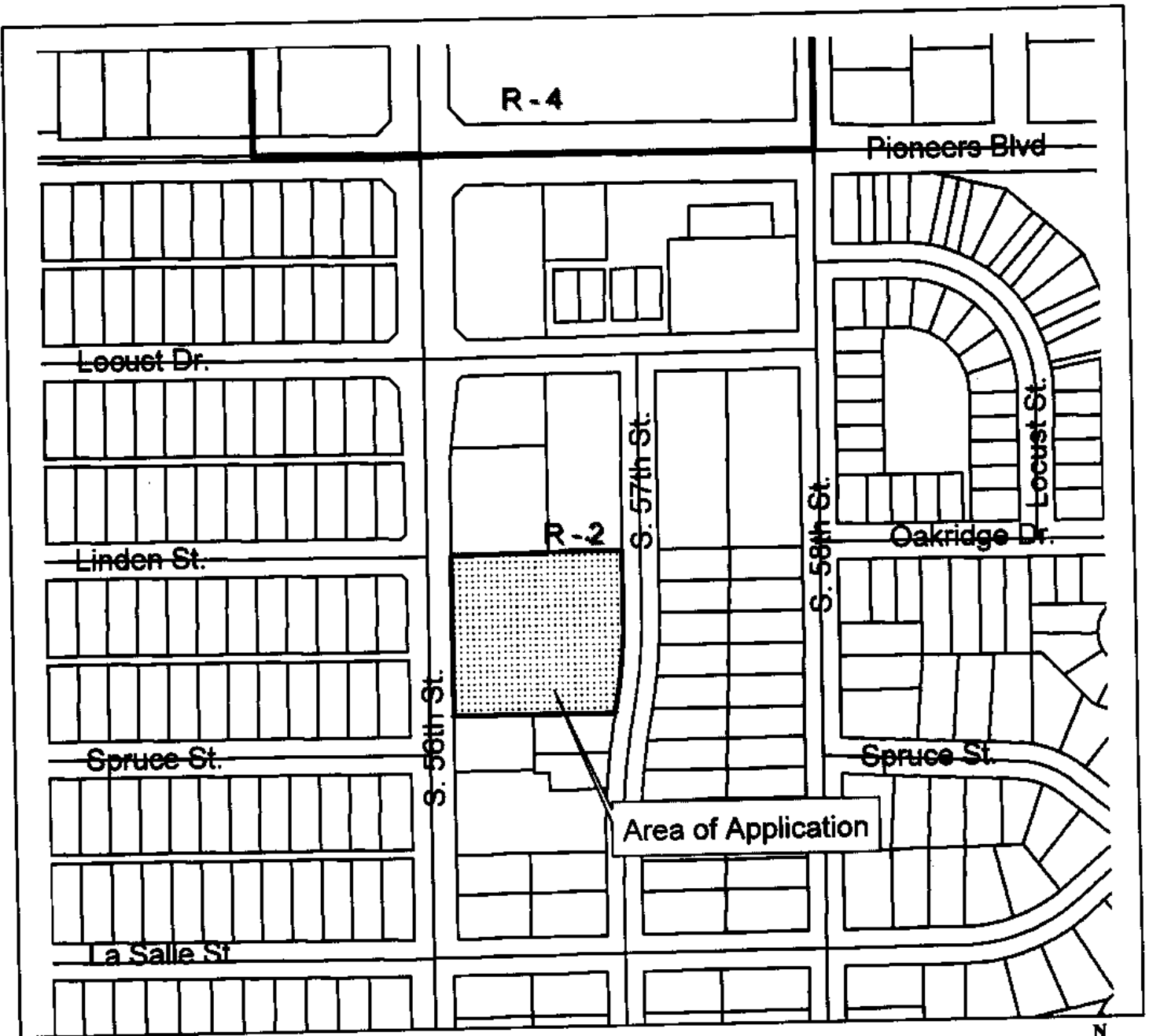
Note: This is final action on Special Permit No. 2026, Use Permit No. 142A and Special Permit No. 2040, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #1826A
S. 56th & Linden St.
Haven Manor Retirement Facility



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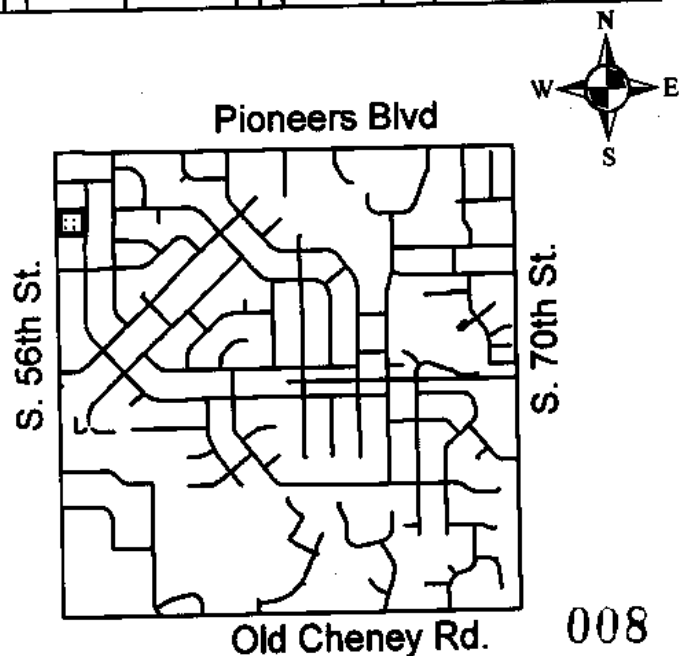
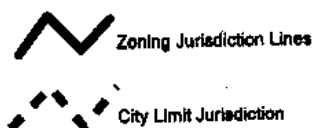


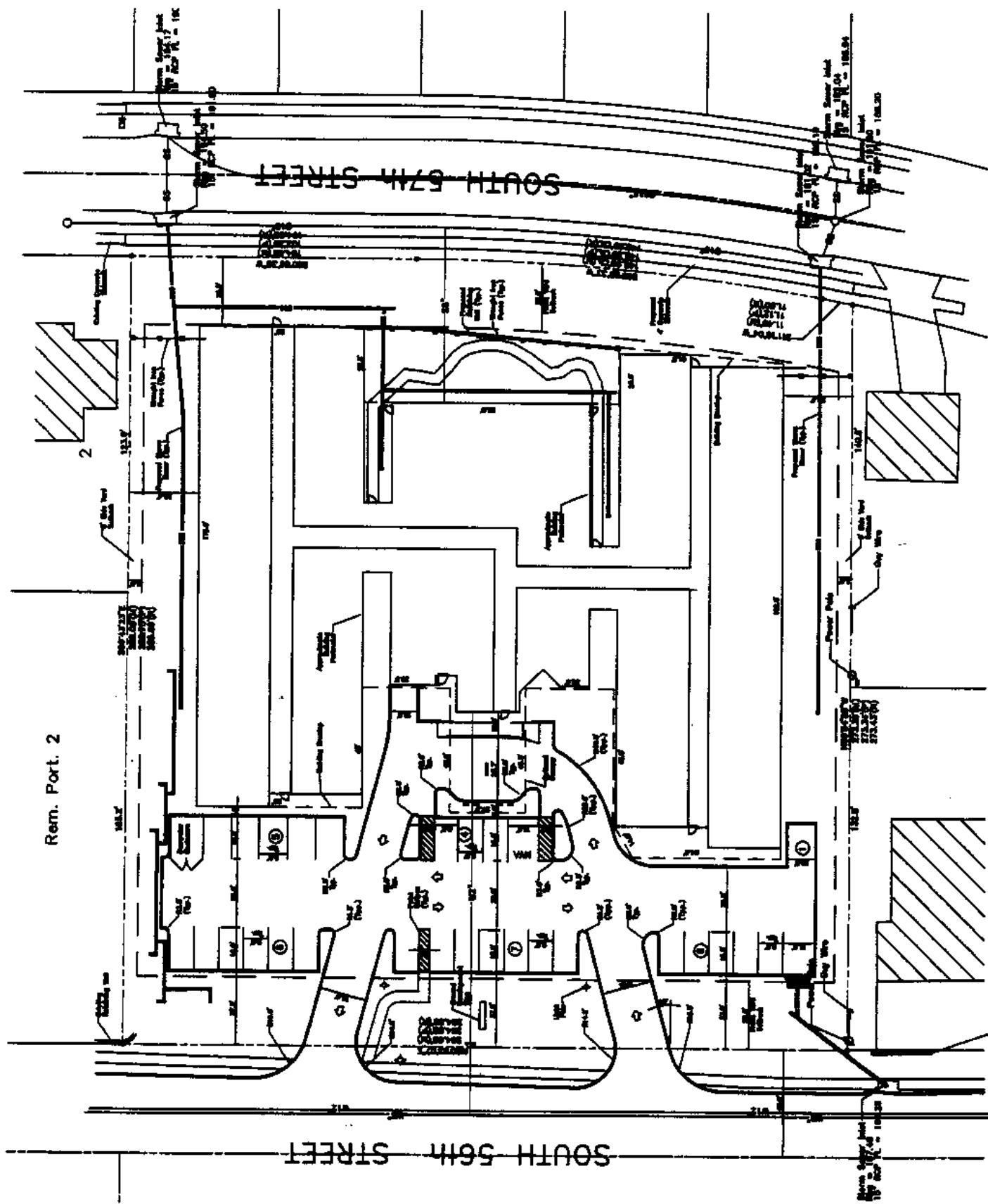
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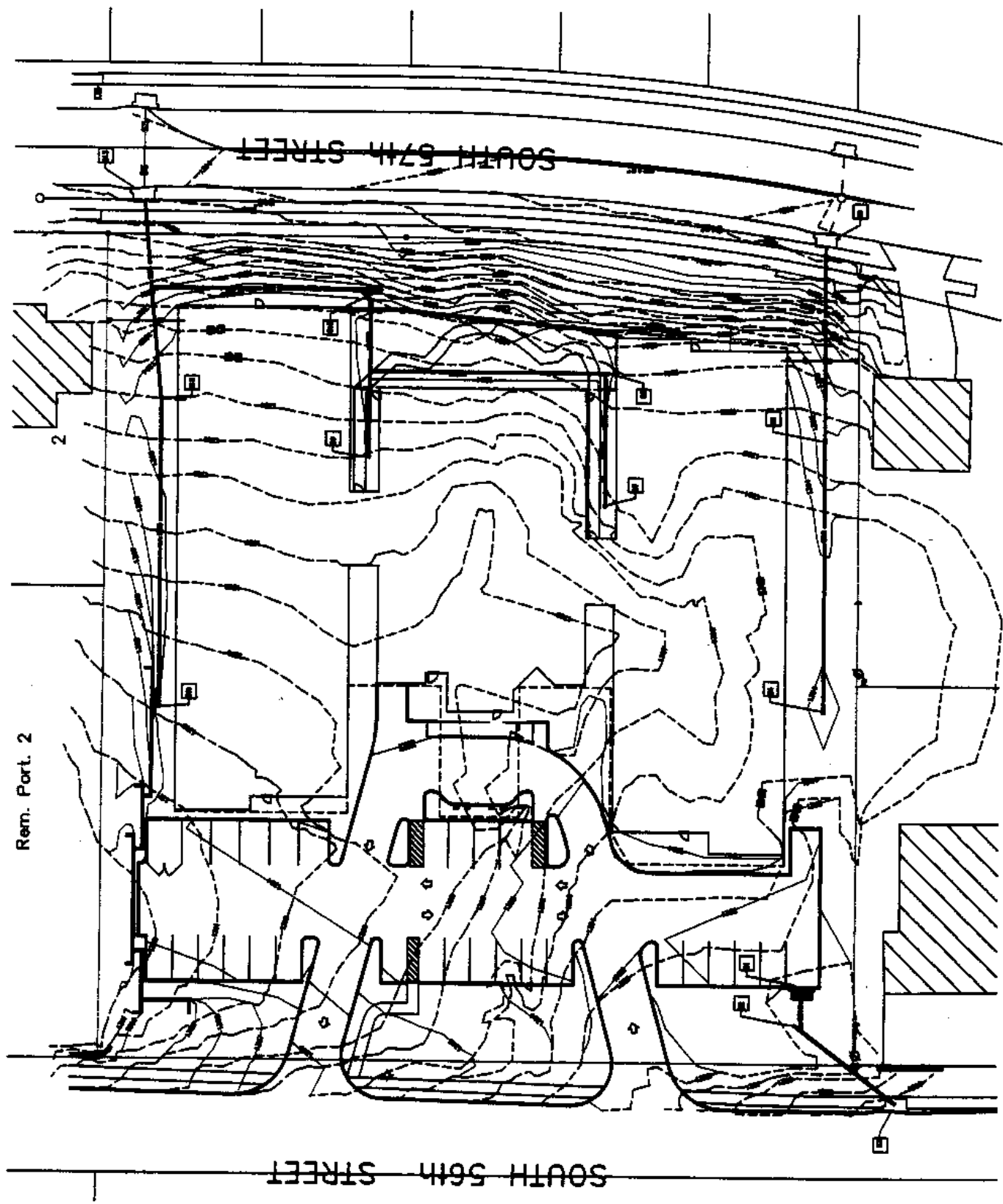
Zoning:

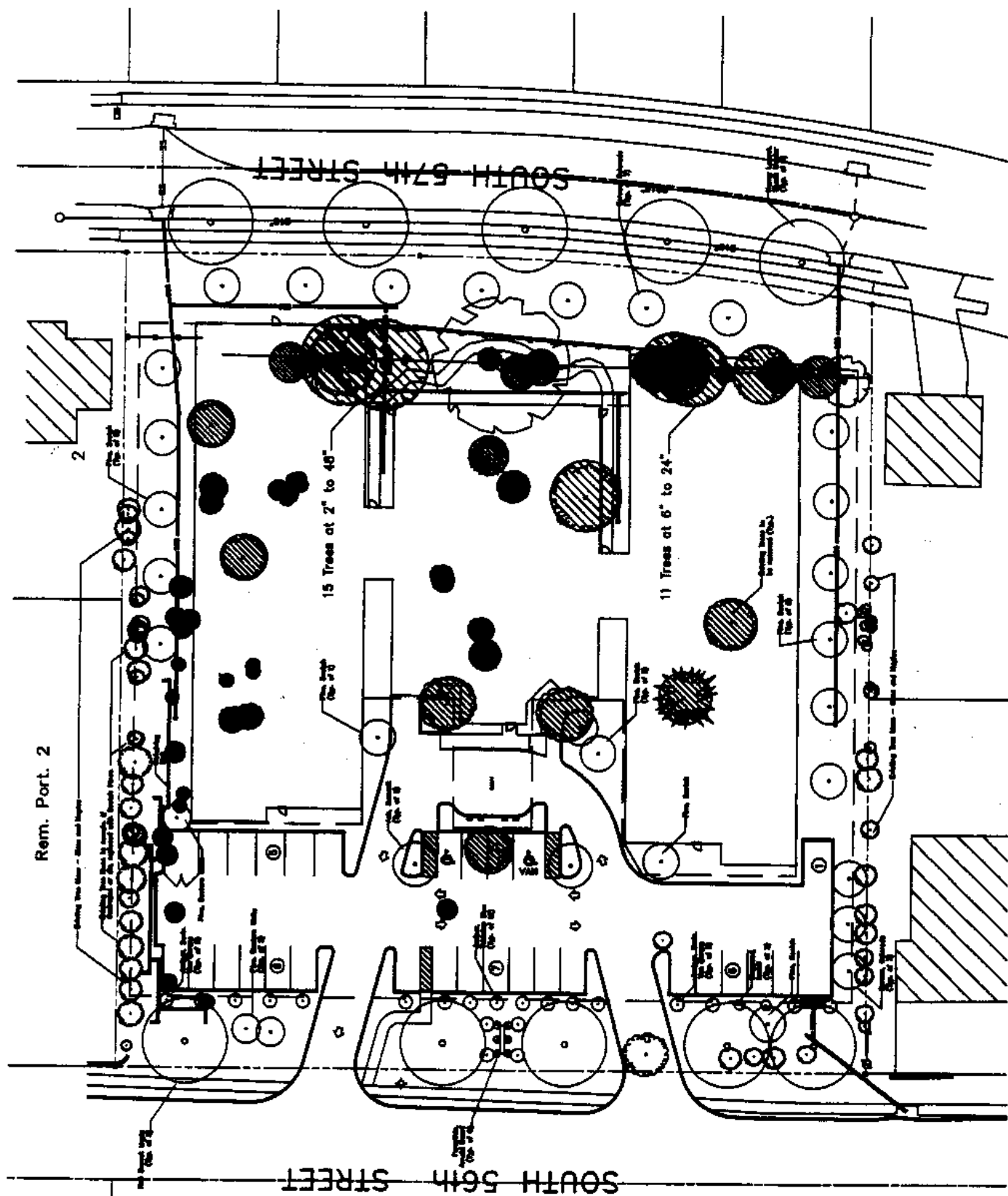
One Square Mile
Sec. 9 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- P Employment Center District
- P Public Use District



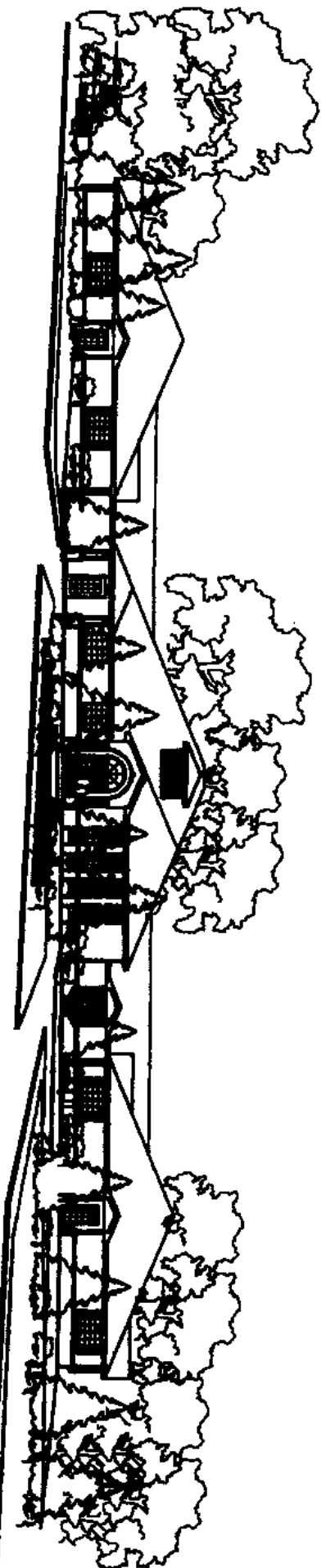




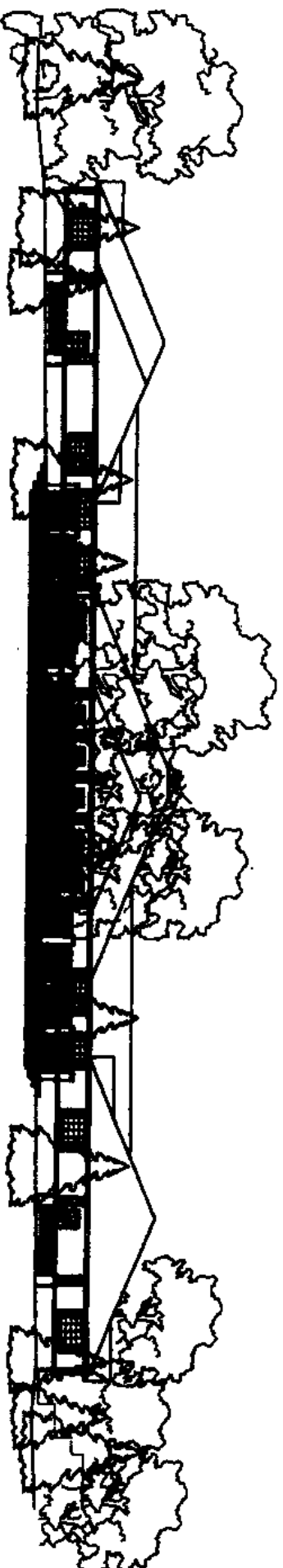


ELEVATION CONCEPTS OF 42 UNIT ASSISTED LIVING DEVELOPMENT

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VIEW FROM 56TH STREET



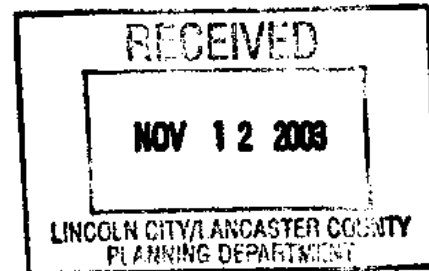
VIEW FROM 57TH STREET



SCHOENLEBER, SHRINER & HITTLE
Architecture and Construction Consulting Services
123 South 84th • Suite A • Lincoln, Nebraska 68510 • (402) 483-2893

November 12, 2003

County-City Building
Attn: Mr. Marvin Krout, Planning Director
555 South 10th Street
Room 212
Lincoln, NE 68505



RE: Special Permit #1826, Domiciliary Care
Haven Manor Assisted Living Facility – Colonial Hills
4444 South 56th Street
Lincoln, Nebraska

Dear Mr. Krout:

As a representative for the proposed Haven Manor Assisted Living Facility approved at 4444 South 56th Street, I would like to request an amendment to the approved plan to increase the allowable number of dwelling units from 34 units to 42 units. The reason for this request is due to several factors, but the developers feel that the resulting project will be much more in line with the Assisted Living Design Guidelines currently applicable.

The facility's design has been modified to meet new requirements of the recently updated International Building Code and Haven Manor's "heavier care" criteria. The redesign of the facility has resulted in a new single-occupant unit that will allow for the increased accessibility, necessary to provide this increased level of care. It has also been determined that due to staffing requirements, 42 units could be accommodated as easily and economically as the 34 units previously approved.

The footprint of the re-designed facility will obviously increase, but we have determined that we can accomplish all of the necessary construction within the boundaries of the building envelope established on the previously submitted plan. The building's "H" shape, building envelope, building height, exterior materials, etc., will all remain as previously submitted. In addition, this will eliminate any further encroachment on any of the neighboring properties even with the new plan.

The facility will still exceed the required parking allotment for 42 units with the previously approved parking layout, so no changes are planned to the parking or driveway plans. The developers feel that the tenants of the increased care units will not have the personal automobiles that may normally accompany an assisted living facility. In addition, the staff requirements do not change for 42 units (approximately 14 units/staff member) as opposed to 34, so there will be no increased demand for parking from the staff either.


Overall, the developers have tried very hard to be a compatible neighbor. They have sent a letter describing this proposed request for additional units, to the neighboring property owners prior to this submittal. As of the date of this letter, they have received no negative response towards allowing the increased density.

The density of 42 units requested will require that the density bonuses for domiciliary care and accessibility be utilized, which if calculated for the area of the property, would allow 56 units. We understand that this maximum would not be appropriate for this size parcel, yet feel the number we are requesting is very comfortable.

As part of the resubmittal, the developers request that this proposed new plan, if approved, void and supersede all previously submitted information. All information contained within these documents, should become the final criteria for the continued development of this project.

If you have questions regarding this proposed amendment, please don't hesitate to call either myself Robert A. Schoenleber, AIA 483-2893 or the developer, DBG Contracting, Gene Schober 489-6900. Thank you for your time.

Sincerely,



Robert A. Schoenleber, AIA
RAS:pla

Attachments

- 1) Proposed New Site Plan
- 2) Proposed New Floor Plan & Units
- 3) Previously Approved Site Plan
- 4) Building Elevation Concept Drawing

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: June 3, 2003

Re: Haven Manor Retirement Facility 1826 A

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Scotch Pine is not an acceptable tree species by the City of Lincoln due to susceptibility to diplodia. Substitute with Concolor Fir, Colorado Blue Spruce, Colorado Green Spruce, Black Hills Spruce or Cedar.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.